

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
November 13, 2024
LAURA A. AUSTIN, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

LARRY DONNELL MOSLEY,)	
)	
Plaintiff,)	Case No. 7:24-cv-00646
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
A.D. GONZALEZ <i>et al.</i> ,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendants.)	

Plaintiff Larry Donnell Mosley, proceeding *pro se*, filed a civil-rights complaint under 42 U.S.C. § 1983 against multiple employees of the Virginia Department of Corrections. (*See* Compl. [ECF No. 1].) On October 4, 2024, the Court ordered Plaintiff to execute and return a consent to withholding of filing fees form to complete his application for leave to proceed in forma pauperis without prepayment of the filing fee. (*See* Order [ECF No. 3].) The Court advised Plaintiff that failure to comply with the order within 30 days would result in dismissal of this action without prejudice. (*Id.* at 2.)

More than 30 days have elapsed, and Plaintiff has failed to submit a signed consent form or pay the full filing fee. Accordingly, the Court will dismiss the action without prejudice for failure to prosecute and to comply with the Court's order. *See* Fed. R. Civ. P. 41(b). If he so chooses, Plaintiff may refile the claims in a separate action, subject to the applicable statute of limitations, once he is prepared to comply with the Court's orders.

The Clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to Plaintiff.

ENTERED this 13th day of November, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE